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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 12 August 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith information on the status and rights of national minorities and ethnic groups in the Federal Republic of Yugoslavia.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 103 (b) of the provisional agenda.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

* A/49/150.

ANNEX

Information on the status and rights of national minorities and ethnic groups in the Federal Republic of Yugoslavia submitted by the Government of Yugoslavia pursuant to the request of the Secretary-General of the United Nations contained in his note dated 13 June 1994

1. The Federal Republic of Yugoslavia is a multi-ethnic State with national minorities and various ethnic groups accounting for almost one third of its overall population. According to the 1991 census, the population breakdown was as follows: of the 10,394,026 inhabitants of the Federal Republic of Yugoslavia, 6,504,048 or 62.3 per cent were Serbs, 519,766 or 5 per cent were Montenegrins, 1,714,768 or 16.6 per cent were ethnic Albanians, 349,748 or 3.3 per cent were Yugoslavs, 344,147 or 3.3 per cent were Hungarians, 336,025 or 3.1 per cent were Muslims, 143,519 or 1.3 per cent were Romanies, 111,650 or 1.1 per cent were Croats, 66,863 or 0.6 per cent were Slovaks, 47,118 or 0.5 per cent were Macedonians, 42,364 or 0.4 per cent were Romanians, 26,922 or 0.2 per cent were Bulgarians, 21,434 or 0.2 per cent were Bunjevci, 18,099 or 0.2 per cent were Ruthenians, 17,810 or 0.2 per cent were Vlachs, 11,263 or 0.1 per cent were Turks, while less than 0.1 per cent were either Slovenes, Germans, Ukrainians, Czechs, Russians, Sokci, Poles, Jews, Greeks or other nationalities.

2. Apart from national minorities, the Constitution and positive laws of the Federal Republic of Yugoslavia make no explicit mention of the categories of religious or linguistic minorities. The federal Constitution speaks only of national minorities and their ethnic, cultural, linguistic and other specificities, while the phraseology of Republican Constitutions is dissimilar: the Constitution of the Republic of Serbia speaks of nationalities, while the Constitution of the Republic of Montenegro speaks of national and ethnic groups. Bringing the Republican Constitutions in line with the federal Constitution and the homogenization of their phraseologies are yet to be done.

Constitutional and legal status

3. The federal State and its constituent Republics (Serbia and Montenegro) are defined in the Constitution as States based on the equality of all their citizens. There is no discrimination on the basis of ethnic origin and the State is not defined as a State of the largest nation. Accordingly, all citizens, irrespective of the fact whether they belong to the Serbian or Montenegrin people or to a national minority or ethnic group, are guaranteed the same human rights and freedoms by the Constitution.

4. In addition to the general rights granted to all citizens of the Federal Republic of Yugoslavia, minority members are also guaranteed, individually or collectively, special rights that they are free to exercise or not to exercise. They have the right to use their own language and alphabet, to be educated and informed in their own language, to set up educational and cultural organizations and associations and to establish and maintain unhindered relations with members

of their nation in the Federal Republic of Yugoslavia and abroad, etc. According to the federal Constitution, the Federal Republic of Yugoslavia recognizes and guarantees the rights of national minorities to preserve, develop and express their ethnic, cultural, linguistic and other specificities and to use their national symbols in accordance with international law.

5. Furthermore, according to its Constitution, the Federal Republic of Yugoslavia recognizes and guarantees the basic human rights and fundamental freedoms recognized by international law.

6. The institutional mechanism for the protection of the rights of national minorities was strengthened after the adoption of the constitution of the Federal Republic of Yugoslavia by the establishment of the Federal Ministry of Human and Minority Rights in July 1992. Montenegro has its own Republican Council for the Protection of Members of National and Ethnic Groups, while Serbia has the Commission of the National Assembly for Inter-Ethnic Relations and the Government Commission on Human Rights.

7. As early as 1992, the federal Government began work on a separate law on freedoms, rights and duties of members of national minorities and ethnic groups. It was guided by the ambition to improve the positive laws by adopting a law that would help it upgrade the legal regulations in specific fields and elaborate the existing, and prepare new, mechanisms for the protection of human rights. This law will not define the status of non-Serbian and non-Montenegrin constituent peoples of the former Socialist Federal Republic of Yugoslavia living in the Federal Republic of Yugoslavia (Croats, Slovenes, Macedonians and Muslims) as their status will be regulated within the negotiations on an overall settlement of the crisis in the former Socialist Federal Republic of Yugoslavia.

Political organization, autonomy and local government

8. According to the 1990 Constitution, the Republic of Serbia consists of two autonomous provinces: Vojvodina, and Kosovo and Metohija, as forms of territorial autonomy. Their autonomy is based on the specific national, historical, cultural and other features of these regions. In the autonomous province of Kosovo and Metohija, ethnic Albanians, as a national minority, account for 82.2 per cent of the population, while in the autonomous province of Vojvodina ethnic minorities account for 40.5 per cent of the population. The citizens of the autonomous provinces regulate through their organs (provincial parliaments and governments) the issues relevant to economic development, finances, culture, education, etc.

9. Municipalities as territorial units are in charge of local government. In view of the fact that by and large ethnic minorities live as compact entities in individual municipalities, they form local governments at municipal levels in proportion to their number. Thus, for example, the Democratic Union of Vojvodina Hungarians has formed local government in six municipalities in Vojvodina: Subotica, Kanjiza, Senta, Ada, Backa Topola and Mali Idjos, and has five deputies in the Republican Assembly.

10. Every citizen of the Federal Republic of Yugoslavia, no matter whether he/she is a member of a majority or minority group or not, has the right to participate in government at all levels under the same conditions. In the present multi-party political system in the Federal Republic of Yugoslavia, minority populations tend to rally around either ethnic political organizations or to join other political organizations (socialists, democrats, radicals, etc.).

Official use of the language and alphabet

11. According to the Constitution of the Federal Republic of Yugoslavia, the language and alphabet of a national minority living in an area are officially used in that area in accordance with the law.

12. The official use of a language and an alphabet is considered to be the use of the language and alphabet in the work of State organs, organs of autonomous provinces, towns, cities, municipalities, institutions, enterprises and other public organizations. The languages and alphabets of national minorities are also used for the inscription of square-, street- and place-names and for other geographical designations, for public address, information and warning and for the inscription of other public names. The languages and alphabets of national minorities are used in the communication between organs and organizations, as well as with citizens, in proceedings for the realization and protection of rights, duties and responsibilities of citizens, for the keeping of records, issuance of personal documents, etc.

13. The practical implementation of the constitutional and legal provisions on the official use of a language and alphabet is illustrated by the example of the autonomous province of Vojvodina. The national composition of the province is very specific, with Serbs accounting for 57.3 per cent, Hungarians for 16.9 per cent, Yugoslavs for 8.4 per cent, Croats for 3.7 per cent, Slovaks for 3.2 per cent, Montenegrins for 2.2 per cent, Romanians for 1.9 per cent, Romanies for 1.2 per cent, Bunjevci for 1.1 per cent, Ruthenians for 0.9 per cent, Ukrainians for 0.24 per cent and others for 3.2 per cent.

14. According to the statute of the autonomous province of Vojvodina, the highest legal act of the province, in addition to the Serbian language and the Cyrillic alphabet (or the Latin alphabet in the manner specified by law), Hungarian, Slovak, Romanian and Ruthenian languages and alphabets as well as the languages and alphabets of other nationalities in the manner specified by law, are also officially used by the organs of the autonomous province. Consequently, simultaneous interpretation into five languages is regularly provided during Vojvodina Assembly sessions. In their work, the provincial organs communicate with citizens in the languages of national minorities. Courts in Vojvodina conduct proceedings in the languages in official use in that territory and where this is not possible to do, interpretation services are provided.

15. Out of the 45 municipalities of the autonomous province of Vojvodina, in 35 of them the official use of the language and alphabet of national minorities is regulated by statute. Alongside the Serbian language, the Hungarian language

and alphabet are in the official use in 29 municipalities, Slovak in 12, Romanian in 19, Ruthenian in 6 and Czech in 1. (Only 2,910 Czechs live in Yugoslavia, 1,844 of them in Vojvodina.) Several languages and alphabets are officially used in a number of municipalities.

Education

16. Education in the Federal Republic of Yugoslavia is accessible to all under the same conditions, while the eight-year elementary education is compulsory. Education in the languages of national minorities is organized at all levels, from pre-school to university, while regular education in all languages in official use in elementary, secondary and high schools is free.

17. The regulations of the Republic of Montenegro provide for the opening of schools and classes in the Albanian language or schools and classes with bilingual instruction in the areas inhabited with a substantial number of ethnic Albanians. This pertains to elementary and secondary schools. In the schools with Albanian as the language of instruction, registration and certificates are in Serbian and Albanian.

18. Under the Law on Elementary Schools and the Law on Secondary Schools of the Republic of Serbia, national minority plans and programmes are in respective mother tongues if at least 15 students have enrolled in form one; however, such plans and programmes are available also for a smaller number of students if approved by the Minister of Education. There are also provisions for organizing bilingual education or complementary maternal language courses with elements of national culture.

19. Elementary education in the autonomous province of Vojvodina is carried out in five languages: Serbian, Hungarian, Slovak, Romanian and Ruthenian. In 38 out of 45 Vojvodina municipalities, instruction is carried out in one or more languages of national minorities: Hungarian in 29 municipalities, Slovak in 12, Romanian in 10 and Ruthenian in 3. In 37 secondary Vojvodina schools, the language of instruction is one of four languages of national minorities: Hungarian in 27 secondary schools, Slovak in 2, Romanian in 2 and Ruthenian in 1.

20. Under the provisions of the Law on Higher Schools and the Law on Universities of the Republic of Serbia, instruction is carried out in Serbian, but it can also be carried out in the language of a national minority of so provided by the decision of the founder and on the bases of the opinion of the University. The following languages are used as instruction languages in high and higher education: Hungarian at seven faculties, Slovak at two, Romanian at two and Ruthenian at two.

21. Education is organized in the same way in the autonomous province of Kosovo and Metohija, but ethnic Albanian students boycott not only the classes at Pristina University but the entire education in State schools from pre-school on, motivated exclusively by political reasons. Before the boycott, Pristina University had 37,000 students, 80 per cent of whom where ethnic Albanians studying in the Albanian language, with the Republic of Serbia subsidizing

98 per cent of their education costs. By the number of students, the autonomous province of Kosovo and Metohija ranked fourth in the world (after the United States of America, Canada and the Netherlands), while in the same period the University in Tirana had only 19,000 students.

Public information and publishing activity

22. Under the Law On Public Information in the Republic of Serbia anyone is free to establish a newspaper, the only requirement being to register it with the competent court. It is within the competence of the autonomous province of Vojvodina to provide conditions for public information in the languages and alphabets of national minorities. The publication of 14 newspapers in the languages of national minorities is subsidized from the budget of the autonomous province of Vojvodina.

23. According to the latest statistical data, the newspapers in the Federal Republic of Yugoslavia were published in the following languages: Hungarian (17), Romanian and Ruthenian (11), Czech and Slovak (8), Albanian (7), Turkish (2), Bulgarian (1) and more than one language (19). Magazines were published in the following national minority languages: Hungarian (4), Romanian and Ruthenian (4), Czech and Slovak (4), Bulgarian (1), Turkish (1) and more than one language (36).

24. Out of 285,287 radio and television hours in the Federal Republic of Yugoslavia, 6,454 hours were broadcast in Albanian, 105 in Bulgarian, 19,543 in Hungarian, 3,599 in Romanian, 1,803 in Ruthenian, 5,485 in Slovak, 3,149 in Turkish, 48 in Ukrainian and 4,614 in the languages of other minorities.

25. Radio stations in Vojvodina broadcast in eight languages: Serbian, Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Macedonian and Romany. The radio in Hungarian broadcasts its programme round the clock; in Slovak seven hours a day on average, Romanian seven hours and in Ruthenian four hours. These data pertain to Radio Novi Sad - the central station for the Vojvodina area. This province also has 25 regional and local radio stations, 4 of which prepare and broadcast programmes in four languages, 6 broadcast in three languages, 8 in two languages and 4 in one language.

26. Novi Sad television broadcasts its regular programmes in five languages in Hungarian every day and in Slovak, Romanian and Ruthenian five or six times per week.

27. Books and brochures are published as follows: 44 in Hungarian, 17 in Czech and Slovak, 16 in Romanian, 5 in Albanian, 1 in Bulgarian and 221 in a number of languages.

Culture and religion

28. Minority cultural activities in the Federal Republic of Yugoslavia are very rich indeed. For example, out of about 12 professional theatres for adults in the autonomous province of Vojvodina, 2 perform in Hungarian. There are also

two theatres for children in Hungarian, while one theatre performs in Hungarian, Slovak, Ruthenian and Albanian. In Slovak, Romanian and Ruthenian cultures, amateur theatres function as professional and are subsidized form the State budget. There are as many as 420 cultural and art societies in Vojvodina, while the Sate subsidizes regular cultural events. Community culture centres have been opened throughout the province with libraries, reading rooms, cinemas, amateur troupes and courses, etc.

29. According to the Constitution and positive laws of the Federal Republic of Yugoslavia, religion is free, which implies the freedom of belief, practice and performance of religious rites. About 50 registered religious communities are active in the territory of the Federal Republic of Yugoslavia. In addition to the Serbian Orthodox Church, there is the Islamic Community serving Muslims and Albanians and the Roman Catholic Church serving Croats and Hungarians. Traditional protestantism is represented by the Slovak Evangelist Church, which congregates the members of the Slovak national minority, and by the Christian Reform Church, which is active among Hungarians. There are also the Romanian Orthodox Church, the Evangelist-Methodist Church, the Christian Adventist Church, the Christian Baptist Church, the Christian Nazarene community, and the Jewish community with is religion section, etc.

30. Services in all these churches are performed in the language of the majority of their believers. All religious communities are free and independent in the performance of their rites and in their internal organization. They are also free to maintain international contacts and become members of international church organizations and other interchurch associations.

Current situation as a consequence of the crisis in the former Socialist Federal Republic of Yugoslavia and measures for its improvement

31. The developments in the former Socialist Federal Republic of Yugoslavia in the last few years - the State crisis in the Socialist Federal Republic of Yugoslavia, the secession of four republics and armed conflicts in two of them, the mass migration of the population (about 500,000 refugees are registered in the Federal Republic of Yugoslavia) and particulary the general impoverishment of the economy and society as a result of the economic sanctions imposed by the United Nations Security Council - have negatively affected the basic conditions in which human and minority rights are exercised.

32. Secessionism, which has been internationally rewarded and the deterioration of the international position of the Federal Republic of Yugoslavia provide a powerful impetus to political leaders of certain minorities to request some special status or autonomy or even to call for secession from the Federal Republic of Yugoslavia (of ethnic Albanians in Kosovo and Metohija). The declining economic power, generated in great measure by the Security Council sanctions, has accounted for the difficulties in the functioning of many social services, including State subsidies to minority institutions and organizations. Some minority political parties abuse this situation and seek to present it as deliberate negligence of minority rights by the State. (For example, subsidies to minority newspapers affected by the crisis as all other newspapers.)

33. Certainly, the most serious problem is the situation with ethnic Albanians in the autonomous province of Kosovo and Metohija. Much of it is already widely known, although no particular effort has been made in influential circles to hear also the other side of the story. It so happens that the prevalent "truth" is the one put forward by Albanian separatists, which only serves to mystify the problem and delay its solution. For its part, the Yugoslav side has supplied abundant information on the core of the problem to various international institutions including the United Nations Commission on Human Rights and other bodies within the United Nations system.

34. The truth of the matter is that the Federal Republic of Yugoslavia has sought to solve the situation through dialogue and negotiations, but the political leaders of ethnic Albanians continue to reject the offer and refuse to recognize the legitimate authorities of the Republic of Serbia and the Federal Republic of Yugoslavia until they grant them such a degree of autonomy as would enable them to secede from the Federal Republic of Yugoslavia. This is precisely the issue that cannot be discussed since no part of the territory of the Federal Republic of Yugoslavia is up for sale and the only precondition for talks is that ethnic Albanians accept the national minority status belonging to them according to international instruments, i.e., that they respect the Constitution and laws of the Federal Republic of Yugoslavia as the State in which they live.

35. As to individual violations of the human or special rights of national minorities, we have no indication that they are being violated more frequently and in greater measure than the rights of the majority. A number of criminal acts against members of national minorities, motivated by national or religious intolerance, have indeed been committed but they have been investigated and their perpetrators have been prosecuted.

36. The following preconditions are of paramount importance for the promotion of the human rights and special minority rights situation in the Federal Republic of Yugoslavia:

(a) Cessation of war in the former neighbour republics of the Socialist Federal Republic of Yugoslavia and a satisfactory solution of the overall Yugoslav crisis, which will take account of the legitimate interests of the Serb people in the Republic of Srpska and the Republic of Serbian Krajina;

(b) Lifting of the Security Council sanctions and the provision of conditions in which the Federal Republic of Yugoslavia will regain its rightful place in the community of nations and in international organizations;

(c) Cessation of outside support to illegal and extremist demands that threaten the territorial integrity of the Federal Republic of Yugoslavia.

37. The fulfilment of these conditions, along with the process of a further democratization of society, should create a more favourable climate for an effective realization of the high minority rights standards set out in the Constitution of the Federal Republic of Yugoslavia.